

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

MARTIN J. WALSH, Secretary of Labor,)
United States Department of Labor,)
)
)
Plaintiff,)
)
) Civil no.: 1:21-cv-02160 SEB-TAB
v.)
)
HEAL AT HOME, LLC, an Indiana company;)
TPS CAREGIVING, LLC d/b/a COMFORT)
KEEPERS, an Indiana Company;)
and TIMOTHY PAUL, an individual,)
)
)
Defendants.)
)

CONSENT JUDGMENT

Plaintiff, MARTIN J. WALSH, Secretary of Labor, United States Department of Labor (“Secretary”), having filed his Complaint and Defendants HEAL AT HOME, LLC, an Indiana company, TPS CAREGIVING, LLC d/b/a COMFORT KEEPERS, and Indiana company, and TIMOTHY PAUL an individual; (hereinafter collectively, “Defendants”), having appeared, having received a copy of the Complaint, waived service thereof, and having been duly advised in the premises, agree to the entry of this Consent Judgment without contest. Now, therefore, upon motion for the Secretary and Defendants, and for cause shown:

JUDGMENT IS HEREBY ENTERED against Defendants pursuant to section 17 of the Fair Labor Standards Act of 1938, as Amended, 29 U.S.C. § 201 *et seq.* (the “Act”) as follows:

IT IS HEREBY ORDERED AND ADJUDGED, pursuant to section 17 of the Act, that the Defendants, their officers, agents, servants, successors, employees, and all persons in active concert or participation with them be and hereby are, permanently enjoined and restrained from violating the provisions of the Act, in any of the following manners.

I

A. Defendants shall not, contrary to sections 7 and 15(a)(2) of the Act, employ any nonexempt employees who in any workweek are engaged in commerce or the production of goods for commerce, or who are employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, for workweeks longer than 40 hours, unless such employees receive compensation for their employment in excess of 40 hours at a rate not less than one and one-half times the regular rates at which they are employed. Defendants shall not, contrary to the Act, fail to combine hours worked by employees at both companies, **HEAL AT HOME, LLC** and **TPS CAREGIVING, LLC d/b/a COMFORT KEEPERS** during a workweek for purposes of calculating overtime premiums.

II

FURTHER, JUDGMENT IS HEREBY ENTERED, pursuant to section 16(c) of the Act, in favor of the Plaintiff and against the Defendants in the total amount of \$432,798.54.

A. Defendants shall pay to Plaintiff the sum of \$215,859.62, which represents the overtime compensation hereby found to be due to the current or former employees named in **EXHIBIT A**, attached hereto and made a part hereof.

B. Defendants shall further pay to Plaintiff as liquidated damages and post-judgment interest the additional sum of \$216,938.92 hereby found to be due the present and former employees named in **EXHIBIT A**.

C. The unpaid compensation and liquidated damages referred to hereinabove cover the present and former employees identified in **EXHIBIT A**, respectively, for the following time period: April 30, 2019 to April 11, 2020.

III

The monetary provisions of this Consent Judgment shall be deemed satisfied upon Defendants' delivery to the Plaintiff's representative of the following:

- A. Prior to the entry of this Consent Judgment, an electronic schedule listing the name, last-known address, and social security number of each employee listed on **Exhibit A.**
- B. Payment of the back wages due in the amount of \$215,859.62 shall be paid online by ACH transfer, credit card, debit card, or digital wallet by going to <https://www.pay.gov/public/form/start/77692637> or by going to <https://www.pay.gov> and searching "WHD Back Wage Payment – Midwest Region" at the time of execution of this consent judgment. Defendants shall pay using the Pay.gov system. Defendants remain responsible for paying their share of any applicable taxes to the appropriate State and Federal revenue authorities. Defendants shall not be responsible for withholding and paying any portion of the employees' share of any applicable taxes, including social security, to the appropriate State and Federal revenue authorities.
- C. Payment of the liquidated damages and post-judgment interest in the amount of \$216,938.92 shall be paid online by ACH transfer, credit card, debit card, or digital wallet by going to <https://www.pay.gov/public/form/start/77692637> or by going to <https://www.pay.gov> and searching "WHD Back Wage Payment – Midwest Region" on or before March 1, 2022. Defendants shall pay using the Pay.gov system.

D. In the event the Pay.gov system is unavailable, Defendants may also pay the total amounts due by submitting a certified or cashier's check for the back wages, with notations as such, payable to "Wage and Hour Div. – Labor" to the U.S.

Department of Labor, Wage and Hour Div., P.O. Box 2638, Chicago, IL 60690-2638. A check or checks for all back wages are due on or before the execution of this consent judgment. A check or checks for liquidated damages and post judgment interest are due on or before March 1, 2022.

(2) The Plaintiff shall distribute the proceeds of the payment (less legal deductions for each employee's share of social security and Federal withholding taxes for back wages) to the persons identified in **Exhibit A**, or to their estates, if that be necessary; and any amounts referenced above of unpaid compensation and liquidated damages not so paid within a period of three (3) years from the date of receipt thereof shall, pursuant to section 16(c) of the Act, be covered into the Treasury of the United States as miscellaneous receipts.

IV

Defendants shall not request, solicit, suggest, or coerce, directly, or indirectly, any current or former employee to return or to offer to return to the Defendants or to someone else for the Defendants, any money in the form of cash, check, or any other form, for wages previously due or to become due in the future to said employee under the provisions of this Consent Judgment; nor shall Defendants accept, or receive from any employee, either directly or indirectly, any money in the form of cash, check, or any other form, for wages heretofore or hereafter paid to said employee under the provisions of this Consent Judgment; nor shall Defendants discharge or in any other manner discriminate, nor solicit or encourage anyone else to discriminate, against

any such employee because such employee has received or retained money due to him from the Defendants under the provisions of this Consent Judgment.

V

FURTHER, it is agreed by the parties herein and hereby **ORDERED** that the parties bear their own fees and other expenses incurred in connection with any stage of this proceeding to date with no costs, including, but not limited to, any and all costs referenced under the Equal Access to Justice Act, as Amended.

VI

FURTHER, this Court shall retain jurisdiction of this matter to enforce the terms of this judgment pursuant to Federal Rule of Civil Procedure 54.

SO ORDERED.

DATED _____

**THE HONORABLE SARAH EVANS
BARKER**
United States District Judge

FOR DEFENDANT:

TIMOTHY PAUL, individually,
and on behalf of **HEAL AT HOME, LLC** and
**TPS CAREGIVING, LLC d/b/a COMFORT
KEEPERS**

Dated:

MICHAEL C. TERRELL
Counsel for All Defendants
MTerrell@taftlaw.com
Tel: 317.713.3500 | Fax: 317.713.3699
One Indiana Square, Suite 3500
Indianapolis, Indiana 46204-2023

Dated:

FOR PLAINTIFF:

SEEMA NANDA
Solicitor of Labor

CHRISTINE Z. HERI
Regional Solicitor

David Tanury

DAVID J. TANURY
Attorney

Dated: 12/1/21

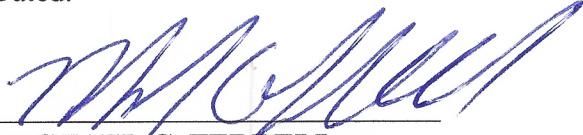
Attorneys for **MARTIN J. WALSH**
Secretary of Labor
U.S. Department of Labor
Plaintiff

Office of the Solicitor
U.S. Department of Labor
230 S. Dearborn St., Room 844
Chicago, IL 60604
Telephone No.: 312/353-4454
Fax No.: 312/353-5698
E-mail: Tanury.david.j@dol.gov

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DAVID J. TANURY
Attorney

Dated:

Attorneys for **MARTIN J. WALSH**
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EXHIBIT A

Employee	Back Wages	Liquidated Damages	Interest
1 Abbott, Lori	\$110.61	\$110.61	\$0.55
2 Aleman-Anderson, Desdent	\$107.25	\$107.25	\$0.54
3 Alexander, Seda	\$985.50	\$985.50	\$4.93
4 Allen Valerie	\$7,360.73	\$7,360.73	\$36.80
5 Allender, Latisha	\$625.31	\$625.31	\$3.13
6 Anderson, Aneka	\$847.13	\$847.13	\$4.24
7 Anthony, Brittany	\$3,908.54	\$3,908.54	\$19.54
8 Argueta, Katia	\$90.23	\$90.23	\$0.45
9 Arney, Julie	\$4,376.86	\$4,376.86	\$21.88
10 Bargue, Jannah	\$16.88	\$16.88	\$0.08
11 Barlow, Annie	\$229.69	\$229.69	\$1.15
12 Barnes, Jeanine	\$1,997.51	\$1,997.51	\$9.99
13 Bilbrey, Lory	\$2,754.75	\$2,754.75	\$13.77
14 Blades, Zakita	\$241.31	\$241.31	\$1.21
15 Bobbitt-Brumley, Kimberly	\$909.14	\$909.14	\$4.55
16 Boling, Tiarra	\$40.50	\$40.50	\$0.20
17 Bond, Tina	\$51.05	\$51.05	\$0.26
18 Bostic, Natalia	\$196.88	\$196.88	\$0.98
19 Bradford, Diamond	\$21.66	\$21.66	\$0.11
20 Breaux, Heather	\$177.01	\$177.01	\$0.89
21 Brinegar, Kim	\$9,788.91	\$9,788.91	\$48.94
22 Broner, Michael	\$6,097.50	\$6,097.50	\$30.49
23 Brooks, Shawnyee	\$62.54	\$62.54	\$0.31
24 Brown, Helen	\$36.09	\$36.09	\$0.18
25 Brown, Tanya	\$272.21	\$272.21	\$1.36
26 Browning, Abigail	\$162.80	\$162.80	\$0.81
27 Bryant, Tequila	\$26.81	\$26.81	\$0.13
28 Bryson, Amandalynn	\$662.91	\$662.91	\$3.31
29 Buckallew, Steven	\$1,529.54	\$1,529.54	\$7.65
30 Burchett, Kaitlyn	\$452.25	\$452.25	\$2.26
31 Burrage, De'Andre	\$215.05	\$215.05	\$1.08
32 Burrage, La'Kesha	\$811.71	\$811.71	\$4.06
33 Burrage, Sharika	\$2,630.10	\$2,630.10	\$13.15
34 Burris, Ruby	\$19.50	\$19.50	\$0.10
35 Cadle, Markeeda	\$60.75	\$60.75	\$0.30
36 Campos De Rea, Angela	\$678.68	\$678.68	\$3.39
37 Carlton, Brittany	\$103.50	\$103.50	\$0.52
38 Carlton, Donna	\$446.97	\$446.97	\$2.23
39 Carrollo, Brenda	\$18.00	\$18.00	\$0.09
40 Carter, Laron	\$97.94	\$97.94	\$0.49

41	Castle, Lorie	\$359.84	\$359.84	\$1.80
42	Chappell, Justin	\$3,155.21	\$3,155.21	\$15.78
43	Coffman, Audra	\$363.04	\$363.04	\$1.82
44	Coleman, Lauren	\$93.22	\$93.22	\$0.47
45	Collier, Deeanna	\$2,695.50	\$2,695.50	\$13.48
46	Collins, Angela	\$1,602.05	\$1,602.05	\$8.01
47	Collins, Shirley	\$1,075.36	\$1,075.36	\$5.38
48	Cook, Samantha	\$692.25	\$692.25	\$3.46
49	Crain, Suzanne	\$1,796.22	\$1,796.22	\$8.98
50	Crenshaw, Kathy	\$523.21	\$523.21	\$2.62
51	Crowe, Monique	\$2,165.81	\$2,165.81	\$10.83
52	Dailey, Chantay	\$1,193.91	\$1,193.91	\$5.97
53	Demner, Bridget	\$1,934.21	\$1,934.21	\$9.67
54	Dominguez, Karen	\$39.66	\$39.66	\$0.20
55	Dorsey, Marge	\$74.09	\$74.09	\$0.37
56	Doss, Elizabeth	\$1,213.31	\$1,213.31	\$6.07
57	Douglas, Nickole	\$186.75	\$186.75	\$0.93
58	Duff, Ebony	\$1,041.52	\$1,041.52	\$5.21
59	Duncom, Debra	\$15.09	\$15.09	\$0.08
60	Dusenbery, Kory	\$67.50	\$67.50	\$0.34
61	Elliott, Jasmine	\$1,329.75	\$1,329.75	\$6.65
62	Exford, Nyasia	\$241.31	\$241.31	\$1.21
63	Falkner, Awilda	\$1,203.61	\$1,203.61	\$6.02
64	Fischer, Marie	\$479.47	\$479.47	\$2.40
65	Flora, Amy	\$98.72	\$98.72	\$0.49
66	Flowers, Ramona	\$7,814.39	\$7,814.39	\$39.07
67	Freeman, Dena	\$285.19	\$285.19	\$1.43
68	Gemlich, Jean	\$276.56	\$276.56	\$1.38
69	Hardiman, Tabatha	\$385.63	\$385.63	\$1.93
70	Harris, Linda	\$272.52	\$272.52	\$1.36
71	Harris, Shante	\$396.67	\$396.67	\$1.98
72	Hatch, Robin	\$799.82	\$799.82	\$4.00
73	Heard, Tracy	\$425.25	\$425.25	\$2.13
74	Hicks, Demetrice	\$7,985.25	\$7,985.25	\$39.93
75	Hitchings, Valerie	\$138.00	\$138.00	\$0.69
76	Hollenquest, Dorothy	\$90.00	\$90.00	\$0.45
77	Howard, Marah	\$1,769.54	\$1,769.54	\$8.85
78	Hubble, Brandy	\$2,164.59	\$2,164.59	\$10.82
79	Humphrey, Vajhon	\$3,333.65	\$3,333.65	\$16.67
80	Hyatt, Heather	\$461.00	\$461.00	\$2.31
81	Jackson, Anthony	\$1,430.86	\$1,430.86	\$7.15

82	Jackson, Kimberlee	\$261.00	\$261.00	\$1.31
83	Jackson-Taylor, Ebonee	\$104.63	\$104.63	\$0.52
84	Jenkins, Monique	\$46.13	\$46.13	\$0.23
85	Johnson, Tiffany	\$15.47	\$15.47	\$0.08
86	Jones, Barbara	\$1,101.29	\$1,101.29	\$5.51
87	Jones, Charlotte	\$89.44	\$89.44	\$0.45
88	Jones, Deanna	\$1,096.30	\$1,096.30	\$5.48
89	Jones, Shenita	\$450.77	\$450.77	\$2.25
90	Journey, Esther	\$137.11	\$137.11	\$0.69
91	Kaufman, Kathaleena	\$1,486.73	\$1,486.73	\$7.43
92	Kennedy, Patricia	\$34.79	\$34.79	\$0.17
93	Kirkland, Betty	\$434.25	\$434.25	\$2.17
94	Lafayette, Denise	\$85.59	\$85.59	\$0.43
95	Lawrence, Yolanda	\$48.75	\$48.75	\$0.24
96	Lewis, Angela	\$475.50	\$475.50	\$2.38
97	Lewis, Gwendolyn	\$117.52	\$117.52	\$0.59
98	Lewis, Maxina	\$695.78	\$695.78	\$3.48
99	Lewis, Michele	\$2,858.63	\$2,858.63	\$14.29
100	Lewis, Sherrie	\$1,205.17	\$1,205.17	\$6.03
101	Linaresgalarza, Iovonne	\$23.44	\$23.44	\$0.12
102	Luckett, Christina	\$264.14	\$264.14	\$1.32
103	Majors, Candice	\$744.75	\$744.75	\$3.72
104	Maldonado, Sara	\$192.94	\$192.94	\$0.96
105	Mays, Brittany	\$2,465.25	\$2,465.25	\$12.33
106	McCloud, Tecriscia	\$247.28	\$247.28	\$1.24
107	McDowell-Rutherford, Kimberly	\$1,289.67	\$1,289.67	\$6.45
108	McGhee, Monique	\$2,402.23	\$2,402.23	\$12.01
109	McNeill, Coutrese	\$819.65	\$819.65	\$4.10
110	Miller, Jill	\$2,045.73	\$2,045.73	\$10.23
111	Milligan, Theresa	\$34.13	\$34.13	\$0.17
112	Moldon, Michael	\$207.19	\$207.19	\$1.04
113	Montgomery, Michelle	\$1,327.13	\$1,327.13	\$6.64
114	Moore, Laura	\$3,372.96	\$3,372.96	\$16.86
115	Morgan, Camella	\$3,829.73	\$3,829.73	\$19.15
116	Morse, Tamika	\$1,748.42	\$1,748.42	\$8.74
117	Murrell, Zaray	\$0.75	\$0.75	\$0.00
118	Nelson, Robin	\$585.17	\$585.17	\$2.93
119	Nkoma, Sofa	\$2,048.44	\$2,048.44	\$10.24
120	Noel, Paul	\$1,178.91	\$1,178.91	\$5.89
121	O'Neal, Janique	\$30.38	\$30.38	\$0.15
122	Outlaw, Katherine	\$71.91	\$71.91	\$0.36
123	Owings, Jennifer	\$4,321.69	\$4,321.69	\$21.61
124	Parks, Toni	\$428.63	\$428.63	\$2.14

125	Parksey, Donna	\$6,951.56	\$6,951.56	\$34.76
126	Patterson, Shanise	\$1,508.21	\$1,508.21	\$7.54
127	Patterson, Tankea	\$165.38	\$165.38	\$0.83
128	Pearson, Ebbony	\$196.04	\$196.04	\$0.98
129	Posey, LaDonna	\$42.29	\$42.29	\$0.21
130	Ramsey, Pamela	\$234.29	\$234.29	\$1.17
131	Rice, Melissa	\$37.75	\$37.75	\$0.19
132	Roberts, Holly	\$5,036.82	\$5,036.82	\$25.18
133	Roberts, Loretta	\$91.15	\$91.15	\$0.46
134	Robinson, Debra	\$665.54	\$665.54	\$3.33
135	Rotramel, Laurie	\$1,512.00	\$1,512.00	\$7.56
136	Runions, Michele	\$2,860.07	\$2,860.07	\$14.30
137	Shockey, Madison	\$304.50	\$304.50	\$1.52
138	Silva, Angela	\$453.06	\$453.06	\$2.27
139	Simms-Holbrook, Sandra	\$376.37	\$376.37	\$1.88
140	Sims, Carrie	\$3,312.00	\$3,312.00	\$16.56
141	Simms, Tequila	\$327.54	\$327.54	\$1.64
142	Smith, Arieal	\$57.75	\$57.75	\$0.29
143	Smith, Sheril	\$229.08	\$229.08	\$1.15
144	Spurr, Amy	\$6,101.40	\$6,101.40	\$30.51
145	Starks, Kimberly	\$467.91	\$467.91	\$2.34
146	Steele, Bobbie	\$7,357.08	\$7,357.08	\$36.79
147	Sturdivant, Candace	\$1,414.46	\$1,414.46	\$7.07
148	Tharp, Carlotta	\$101.11	\$101.11	\$0.51
149	Thrash-Holmes, Devonne	\$2,655.46	\$2,655.46	\$13.28
150	Toles, Barbara	\$1,384.73	\$1,384.73	\$6.92
151	Townsend, Kim	\$180.00	\$180.00	\$0.90
152	Trice, Takeysha	\$43.16	\$43.16	\$0.22
153	Vaughn, Kara	\$555.53	\$555.53	\$2.78
154	Velez, Evie	\$237.38	\$237.38	\$1.19
155	Walton, Shannessy	\$35.06	\$35.06	\$0.18
156	Watts, Delta	\$171.84	\$171.84	\$0.86
157	White, Janis	\$204.75	\$204.75	\$1.02
158	White-Evans, Judilyn	\$6,472.62	\$6,472.62	\$32.36
159	Wilder, Annette	\$32.13	\$32.13	\$0.16
160	Williams, Priscilla	\$1,042.27	\$1,042.27	\$5.21
161	Wilson, Kanite	\$292.17	\$292.17	\$1.46
162	Winston, Renada	\$1,010.12	\$1,010.12	\$5.05
163	Woodard, Nicole	\$3,090.62	\$3,090.62	\$15.45
164	Woods, Lakeisha	\$755.63	\$755.63	\$3.78
165	Woods, Lindsay	\$4,521.00	\$4,521.00	\$22.61
166	Woolly, Beth	\$78.23	\$78.23	\$0.39
167	Yeager, Amy	\$3,548.12	\$3,548.12	\$17.74

168	Yekinni, Karibat	\$2,395.12	\$2,395.12	\$11.98
169	Young, Aliesha	\$2,508.75	\$2,508.75	\$12.54
170	Young, Wanique	\$2,702.23	\$2,702.23	\$13.51
171	Younger, Robyn	\$822.38	\$822.38	\$4.11
		\$215,859.62	\$215,859.61	\$1,079.30